

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Jo Ann Fonzone aka Judy Mc Grath, Plaintiff

vs.

CIVIL ACTION
NO: 12-5726

JOE OTERI , et al, Defendants

PLAINTIFF'S MOTION FOR RECONSIDERATION OF ORDER DENYING OPENING
DISCOVERY BECAUSE FURTHER DISCOVERY IS SOUGHT FOR THE PURPOSES OF
PRODUCTION OF DOCUMENTS AND DEPOSITIONS, NOT ONLY INTERROGATORY
ANSWERS THOUGH THEY WERE NOT SUFFICIENTLY ANSWERED BY DEFENDANTS

Plaintiff , by and through her attorney, hereby requests this Honorable Court open Discovery for the
purpose of obtaining needed information to proceed with this civil injury litigation as there is no
valid reason to deny such request based on the insufficient information provided by defendants
which does in fact prejudice Plaintiff in her effort to seek justice for all the injuries and damages
she sustained as a direct result and consequence of the two incidents of aggravated assaults on
October 6, 2010.

The first incident occurred at 5:45 p.m. when Plaintiff at her seat was without provocation pulled,
pushed ,her head into the seat in front of her aggravatedly assaulted by a man Joe Oteri (who
instead of getting medical help for Plaintiff as concussion symptoms began)brought police officer.
Plaintiff was again aggravatedly assaulted ,thrown against the wall twice and struck by police
nightstick on her chest repeatedly, assaulted by Officer Kelewischki at precisely 6:14:58 p.m. (time
appears on police audio CD) inside the police room after and because Plaintiff phoned 911 for help
as she was in fear for her life.

Plaintiff has requested defendants produce documents and anything from the scene including a videotape of the stadium concourse, to the best of Plaintiff's knowledge, information and belief does exist. Defendants have withheld other exculpatory evidence throughout the malicious prosecution of Plaintiff the innocent injured victim, and violated four discovery orders of Municipal Court Judges, so it is no stretch to know they are in possession of videotape evidence which depicts exactly what occurred in the concourse where plaintiff stood while holding onto the back of a stadium seat for 10-15 minutes watching the game, then without provocation, was grabbed and attacked without cause from behind by two male officers and dragged across the concourse and thrown into the stadium police room.

The fact that Plaintiff's Motion to compel Sufficient answers to her Interrogatories was denied should not preclude this court from granting that Motion and the current Motion from being granted if seeking the truth and facts are the actual goal of this litigation, rather than a cover-up.

WHEREFORE, Plaintiff respectfully requests based on the aforementioned, that this Honorable Court grant the relief requested herein in the interests of justice and full, complete and fair discovery in this injury litigation.

Dated: November 22, 2021

By: _____

Jo Ann Fonzone, Esquire aka Judy Mc Grath
Plaintiff
#203914 (confidential status for personal safety
631 Primrose Lane, Allentown, Pa 18104)

CERTIFICATE OF SERVICE

I, JO ANN FONZONE, ESQUIRE AKA JUDY Mc GRATH hereby certify that I have on this day caused to be served Motion To Open Discovery on those listed below:

Arron Shotland, Esq. Representing all named defendant city employees
City of Philadelphia
1515 Arch St., 14 th floor

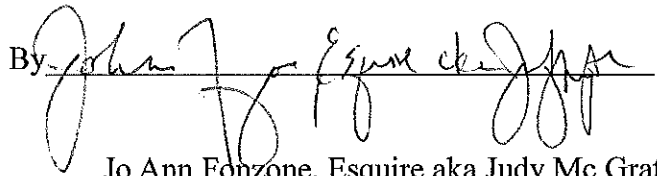
Robert Foster, Esq.
Reger Rizzo & Darnell
2929 Arch St., 13th Floor
Phila., Pa 19104

The Phillies Organization
One citizens Bank Way
Phila., Pa

Phila. District Attorney office
3 Penn Square
Phila., Pa 19107

Defender Associates
1441 Sansum St.
Phila., Pa 19107

Date Nov. 22, 2021

By 

Jo Ann Fonzone, Esquire aka Judy Mc Grath
631 Primrose Lane, Allentown, Pa 18104
203914 (confidential status for
physical protection)